UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1291
18 August 1998

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-third session

SUMMARY RECORD OF THE 1291st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 August 1998, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU

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GE.98-17596 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Tenth to thirteenth periodic reports of Cuba (continued) (CERD/C/319/Add.4; HRI/CORE/1/Add.84)

1. At the invitation of the Chairman, the members of the delegation of Cuba resumed their places at the Committee table.

2. Ms. FLOREZ PRIDA (Cuba) said that her delegation would supply as much of the information requested as possible, although in its view some of the questions raised went beyond the Committee's mandate.

3. The Government's policy of promoting the advancement of Blacks, women and young people, as stated in the report (CERD/C/319/Add.4, para. 13), had been formally adopted at the Fifth Congress of the Communist Party in 1997 and was the culmination of the Revolutionary Government's wide-ranging programme of racial change that had been in effect since 1959, seeking to eradicate the racial discrimination whose roots went back to slavery and reverse the prejudice and stereotypes that were the vestiges of five centuries of racist governance.

4. Cuba's report was the result of consultations and research, notably on racial stereotyping (report, para. 18), carried out in cooperation with the Anthropology Centre of the Ministry of Science, Technology and the Environment, some of whose publications would be made available to the Committee. At any rate, there was no institutionalized racism in Cuba that might impede equal rights.

5. As to the practical results of the policy for the advancement of Blacks, women and young people, in the National Assembly of People's Power elected in early 1998 by 98 per cent of the electorate, over 28 per cent of the 601 deputies were Blacks or mulattos, and almost 26 per cent were women. Of the 27 ministers in the Council of Ministers, over 32 per cent were Blacks or mulattos. Forthcoming periodic reports would update those statistics.

6. Concerning the gradual formation of Cuba's cultural identity, in addition to the information provided in paragraph 21 of the report it should be noted that the original population of Taínos and Siboneyes had been exterminated in the first years and replaced by African slaves originating mainly from the Kongo, Lukumi, Ganga, Karavali, Mandinga, Mina, Ibo and Arara peoples, and that in the mid-nineteenth century there had been an influx of Chinese, who had gone on to distinguish themselves in the struggle for independence. From such an ethnic mixture had come the national identity. The other ethnic groups referred to in the report had gradually been assimilated into Cuban society while maintaining their own traditions, associations, publications and activities. Under the Associations Act (Act No. 54), for instance, there were 104 registered associations of persons from the various regions of Spain, 13 Chinese organizations and many Caribbean, French, Jewish, Arabic, Haitian and other organizations.

7. No data was available on the participation of Blacks and women in the social and economic life of the country, but the Committee could rest assured that they had made real and meaningful progress in areas like education, culture, science and sports. A majority of Cuba's star athletes were black and even in a formerly elitist field such as classical ballet there were now many Blacks, thanks to the policy of universal education. Although no statistics were available on the number of Blacks in prison or the number of black graduates of universities and middle-grade and higher technical institutions, all education was interracial. The very fact that the Government did not break down its statistics by race was indicative of the lack of distinctions. It planned to begin to record those indicators, however, for the purpose of all its reporting to treaty bodies in future.

8. As indicated in the report (para. 85), there was freedom of religion in Cuba under the Constitution, and religious pluralism. There were 54 Protestant denominations with over 200 churches in the 14 provinces of the country and 114 Spiritualist cults. The syncretistic cults combining the African beliefs brought by the slaves and elements of the Catholic religion imposed on them by their colonial masters were now the majority creed in Cuba. The Catholic Church had about 75 religious orders comprising about 900 priests and nuns of 32 different nationalities working in the country. Cuba had long-standing relations with the Vatican, which had recently culminated in the Pope's visit to Cuba, during which the Pontiff had supported open relations between Cuba and other countries and condemned the United States blockade. Among others, the Grand Rabbi of Israel and the highest-ranking Yoruba prelate of Nigeria had also visited the country. Although education in Cuba was secular, atheism was not officially taught; nor were Jehovah's Witnesses forced to pledge allegiance. Before the revision of the Constitution, there had been constitutional provisions to that effect. At the Fourth Congress of the Communist Party held in 1992, Agreement No. 13 had ruled that believers could join the Party, and a number had done so.

9. Ms. HERNANDEZ QUESADA (Cuba) said that article 120 of the Penal Code (report, paras. 52 et seq.) punished all aspects of the crime of apartheid. Cuba was one of the first countries to have adopted legislation against apartheid and had participated in the struggle for freedom in Namibia and South Africa, both at the United Nations and in the countries themselves. Its people were unanimous in their opposition to institutionalized racism, abroad or at home.

10. The Government provided scholarships for foreign students, as indicated in the report (para. 112). Human rights education was imparted at all levels, and naturally covered non-discrimination. The basic civics courses given in primary and secondary schools (report, para. 108) taught pupils about human rights. Throughout Cuba, UNESCO Associated Schools were, inter alia, familiarizing students with the Convention on the Rights of the Child, including its provisions against racial discrimination. The history curriculum in schools made students aware of the situation in other parts of the world. In the various university faculties, international public law and treaty law was being taught, with emphasis on the human rights instruments. Those subjects were also taught in the military academies where law enforcement officials and prison officials were trained. Members of the judiciary and lawyers had also participated in many national, regional and

international seminars on the protection and promotion of human rights, and as part of Cuba's celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, many official and non-governmental activities were being conducted, such as a recent interdisciplinary United Nations-sponsored seminar, that had focused exclusively on racism and racial discrimination.

11. The media, too, were doing their part to publicize human rights, focusing on the struggle against racism and against discrimination against women and on tolerance. The media reported regularly on any resurgence of racism and xenophobia anywhere in the world, especially in the developed countries. Some Cuban non-governmental organizations (NGOs) had also issued publications on those subjects and on the international human rights instruments. Periodicals and reviews addressed to young people, workers, women, intellectuals and the legal profession provided a wealth of information on human rights and were readily available to the public.

12. Ms. VALLE CAMINO (Cuba), referring to freedom of association under article 4 (b) and article 5 (d) (ix) of the Convention, said that the principle was upheld in articles 54 and 55 of the Constitution and regulated in the Associations Act (report, para. 63). Since racist or segregationist associations were banned, none existed in Cuba. The law did, however, permit the establishment of non-profit scientific and technical, cultural and artistic, public-interest and sports associations and friendship and solidarity groups. More than 2,000 such groups had been formed, and their great variety evidenced the people's freedom of expression and association, as did the many ethnic associations in the country. Ten Cuban NGOs had been in consultative status with the Economic and Social Council since 1996, and had become increasingly involved in United Nations activities.

13. Mr. RODRIGUEZ VIDAL (Cuba), reviewing the amendments to the Constitution adopted in 1992, pointed out that article 1 now referred specifically to the guarantee of social justice and to the welfare of all individuals; that article 12 set out the principles governing Cuba's foreign relations in terms that were in accordance with the Charter and the international treaties to which Cuba was a party; that article 13 regarding racial discrimination had been redrafted to prohibit not only racial discrimination but also discrimination against persons fighting against discrimination and racism; that article 16 on government regulation of economic activities now included the promotion of the individual and his or her dignity; that a new article 8 recognized freedom of religion and equality of treatment for all religions; that the constitutional provisions on citizenship now stated that no one could be deprived of citizenship except for legally established reasons; that a new chapter on aliens had been introduced outlining the rights and duties of foreigners; and that article 43 on equal treatment (report, para. 82) now stated specifically that women and men had equal rights.

14. There had been changes to the Penal Code: it was no longer a criminal offence to be in possession of convertible currencies, for instance. New offences had been introduced to take account of changes in the economic situation, covering such areas as foreign investment, new types of economic activity and tax evasion. Many changes had been made to include legal entities as well as natural persons in the Penal Code. Cuba had now ratified

the 1988 Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and the necessary changes had been made to the relevant domestic legislation.

15. The Penal Code now made more provision for alternative penalties such as community service, forced labour and restrictions on freedom of movement instead of prison sentences of up to five years for certain offences. Penalties had been increased for offences with a relatively significant social impact, such as those which prevented the normal development of children and young people. Under article 46 of the Penal Code, the Ministry of Justice had the power, in exceptional circumstances, to expel foreigners convicted of a criminal offence from the country before they had served their entire sentence. Article 241 of the Penal Code, which referred to illegal activities within the Cuban economic area, was now applicable to anyone committing such offences, not just foreigners. A number of other changes, such as amendments to the articles dealing with sex offences, also testified to the ongoing process of revision of domestic legislation; any further changes relevant to Cuba's implementation of the Convention would be brought to the Committee's attention.

16. Members had asked about Decree No. 217, which appeared to prohibit people resident outside the capital, Havana, from moving to the city. In fact, the Decree did not impose a complete ban, but merely laid down a set of regulations concerning internal migration, and it applied to the entire population, not just to certain groups. Persons breaching the regulations had merely been returned to their places of origin. It had been drawn up because of the growing influx of people to Havana, which had placed a severe strain on housing, employment, water and electricity supplies, health services and education. It was a temporary measure imposed by the current economic situation, and the Government intended to repeal it when the situation improved. People could still move to Havana if someone already living in the city agreed to accommodate them and had enough room to do so without overcrowding.

17. On the subject of cases in which a Cuban citizen might be deprived of citizenship (report, para. 77), the basic principle was that a Cuban could not be deprived of citizenship. However, the Constitution could not cover all possible cases: sometimes, earlier laws still prevailed. For example, a person's Cuban nationality would be withdrawn if he or she acquired another nationality, since dual nationality was not allowed.

18. Members had asked how international treaties were incorporated into domestic legislation. Ratification of a treaty required the prior approval of the Council of Ministers and the Council of State. A body called the Treaty Coordination Committee, representing the legal departments of the major ministries, studied international treaties and, where appropriate, recommended that Cuba accede to them. In some cases, changes in domestic legislation were needed before the treaty could be enforced in practice. In others, the substantive elements of the treaty were already covered by domestic legislation.

19. Cuba was a party to 15 international instruments, including the Convention on the Rights of the Child, the Convention against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the International Convention on the Elimination of All Forms of Racial Discrimination. It had fulfilled all its reporting obligations under those instruments. The Treaty Coordination Committee was studying other international instruments with a view to accession.

20. Members had asked about the phrase "socialist legality" which appeared in many laws. The term had been used for legislation passed after the Cuban revolution, to distinguish it from earlier legislation, which had existed only to protect the interests of the middle classes. In the amendments to the Constitution in 1992, the phrase "legality" was used, without the adjective "socialist".

21. Regarding the relative status of the National Assembly of People's Power and the Council of State, he explained that the former was the supreme organ of State power and the only one with constitutional and legislative powers. It elected the Council of State, which represented the National Assembly, acted on its behalf when it was not in session and implemented its decisions.

22. Replying to questions about paragraph 21 of the report, which stated that representatives of other ethnic groups had "similar" rights to those of ethnic Cubans, he said that under article 34 of the Constitution, foreign residents of Cuba were treated on an equal footing with Cubans in respect of protection of their person and property. They had the same rights and obligations under the Constitution, under the conditions and within the limitations established by the law. They had the same obligation to contribute to public expenditure and submit to the jurisdiction of the courts and authorities of the Republic. However, foreigners did not always have exactly the same rights as Cuban citizens: for instance, only citizens were entitled to vote.

23. With regard to the provisions governing incitement to racial hatred, under article 295 of the Penal Code, persons convicted of discrimination or inciting others to discrimination on the grounds of race, sex, colour or national origin would be liable to deprivation of their liberty for a period between six months and two years and/or to a fine. There were similar penalties for the dissemination of ideas based on racial superiority or hatred and incitement to acts of racial or ethnic violence. The amount of any fines imposed depended on the income of the offender. He did not know how often those provisions had been invoked before the courts, but he would endeavour to ensure that the information was included in Cuba's next report.

24. Members had asked about any restrictions on entering or leaving the country. No one could be arbitrarily deprived of his/her right to enter or leave the country: the whole issue was governed by legal regulations. Migration agreements had been reached with the United States of America, the Bahamas and the Cayman Islands, and a working group on migration issues had been set up with Mexico. Sometimes, of course, people leaving Cuba had to obtain a visa for the country to which they were travelling.

25. Mr. AMAT FORÉS (Cuba), presenting some background information about the Cuban legal system, said that the fundamental structure of the legal system

was laid down by the Courts Act and the Office of the Attorney-General Act. Judges were entirely independent and owed allegiance only to the law. Trials took the form of an oral hearing by a judge, with statements from witnesses, the prosecution and the defence, following which the judge reached a verdict purely on the basis of the evidence and without taking instructions from any other authority. The legal system was not subject to political pressure, whatever Cuba's enemies might say.

26. All citizens were equal before the law and before the courts. Judges were obliged to act in accordance with the law: they could not invent new offences or penalties. All accused persons had the right to a defence, and they were considered innocent until proved guilty by a competent court. If a citizen refused, or could not afford, to appoint a defence lawyer, the State was obliged to provide a defence lawyer free of charge.

27. Contrary to allegations, no individual or body apart from the competent courts could impose penalties for offences committed. All courts in Cuba, namely the municipal and provincial courts and the People's Supreme Court, were run in a collegiate fashion, with professional and lay judges working side by side. Lay judges were ordinary citizens whose services were enlisted several times a year for a short period of time. They had the same voting powers as professional judges in decision-making and sentencing. Such a system had certain advantages: it prevented the development of a rigid, bureaucratic system and ensured that judgements took account of the people's idea of justice. Municipal courts had one professional and two lay judges, while the provincial courts had three professional and two lay judges. Between five and seven judges normally sat in the People's Supreme Court depending on the gravity of the offence in question.

28. In general, trials were held in public, except in cases of sex offences, where judges could decide to conduct proceedings in camera, but always in the presence of a defence lawyer. There were no charges for court proceedings. The principal objectives of the courts in Cuba were to ensure the enforcement of law and to protect the rights, freedoms, assets and property of citizens, entities or organizations. The courts were also intended to prevent antisocial behaviour and to provide for the rehabilitation of offenders.

29. Citizens were entitled and indeed duty-bound to initiate criminal proceedings by reporting and requesting the investigation of an alleged offence. When the prosecuting office considered that the act constituted a criminal offence, criminal action would be taken. All judgements by Cuban courts were subject to appeal before a higher court. In cases tried in provincial courts for offences carrying the death penalty, there was an automatic right of appeal to the People's Supreme Court, which would confirm or amend the sentence, as appropriate. The Cuban judicial system was based on the presumption of innocence. No legal action could be taken against a person for an act that was not deemed an offence under the law at the time it was committed. Cases must be tried by the competent court: different offences came under the jurisdiction of the municipal and provincial courts. In exceptional circumstances ordinary trials could be heard in the People's Supreme Court. Complaints of administrative offences were brought before the labour courts.

30. Concerns had been voiced about the independence of the Attorney-General, given that the Office of the Attorney-General was subordinate to the National Assembly and the Council of State. The Attorney-General and his deputies were elected by the National Assembly and reported to it, unless it was in recess, when they reported to the Council of State. The Office of the Attorney-General was an organ of the State and, as such, could receive general guidelines from the National Assembly on procedural matters such as the priority that must be given to the trial of certain offences. However, the National Assembly and its members could not interfere in or influence in any way the judgements or proceedings of the courts.

31. Another function of the Office of the Attorney-General was to uphold the rule of law through its monitoring of compliance with the Constitution and legislation by State bodies, economic and social entities and citizens. It also protected the rights of citizens by following up their complaints concerning violations of such rights and through the requirement that a solution must be found within a period of 60 days.

32. The delegation had felt it necessary to give a detailed explanation of its judicial system to counter any misinformation concerning its independence or procedures. Cuban courts enjoyed considerable prestige and their judges were persons of great probity. There had been no cases of corruption or involvement in criminal activities among members of the judiciary in Cuba, unlike in other countries. Both professional and lay judges were elected to their posts and could only be dismissed by the National Assembly on serious grounds of misconduct. All judgements were subject to appeal and could be overturned by the People's Supreme Court.

33. The Cuban electoral system was unique and had been adopted by the National Assembly following a thorough examination of traditional electoral systems and their shortcomings. He refuted the assertion that electoral candidates were put forward by the ruling Communist Party. The Cuban electoral system was not based on political parties. For the Municipal and Provincial Assemblies of People's Power candidates with suitable qualifications were proposed by the general public during open meetings held for that purpose in each constituency. Their names were included in an electoral list which was put to the vote by direct, secret ballot. Candidates for the National Assembly were selected by an electoral committee, which was composed of ordinary citizens elected by the population and a number of eminent persons. The list of candidates drawn up by that committee was also subject to a direct, secret ballot.

34. The main characteristic of the Cuban electoral system was that it ensured participatory and not representative democracy. It was the people who put forward, selected and voted on candidates, who could be representatives of the religious community, party activists or even opponents of the regime, although it was unlikely that the latter category would receive sufficient support to be elected to any State body. It was not a perfect system, but a perfectly good one, which was continually being improved upon. Candidates were selected on the basis of their personal qualities and qualifications and desire to resolve social problems. Voters were not influenced in any way by the money, vice and type of propaganda that characterized election campaigns elsewhere. Proof of the success of the Cuban electoral system was the fact

that, although voting was not compulsory, a turnout as high as 97 per cent was sometimes recorded. Few countries could boast such massive participation in their elections. Foreign journalists who had followed Cuban elections closely could testify to the enthusiasm and seriousness of voters and the transparency of the voting procedures. He understood, however, that it was difficult for those accustomed to more traditional electoral systems to believe that democracy could exist without different political parties.

35. Ms. FLOREZ PRIDA (Cuba) said she hoped that the clarifications provided had met all the concerns expressed by members of the Committee and would make for a better understanding of Cuba's legislation and judicial system and how the provisions of the Convention were implemented.

36. Mr. Diaconu took the Chair.

37. Mr. GARVALOV said that the Cuban delegation had failed to answer one of his questions concerning the procedure for incorporating international human rights instruments into domestic legislation. From paragraph 63 of the core document (HRI/CORE/1/Add.84) it appeared, at least in the English version, that there were two different procedures, either through the constitutional process of ratification referred to in paragraph 61, or simply through compliance with the provisions of the instrument concerned, which suggested that there was no need for ratification of the treaty. He would welcome some clarification of the matter, particularly since the Convention was one of the international instruments that Cuba had indeed ratified.

38. Mr. SHERIFIS recalled the point he had made during an earlier meeting to the effect that the rights of members of different ethnic groups should be identical to those of Cuban citizens and not merely similar, as the delegation had asserted. In responding to his remark, the delegation had quoted the example that non-citizens were not entitled to vote in Cuba. He drew attention to article 1.2 of the Convention, which made it clear that States parties were not obliged to give non-citizens the vote. Hence, his original point was still valid.

39. Mr. RODRIGUEZ VIDAL (Cuba) said that under Cuban law, all international treaties signed by the Government must be submitted to the Council of Ministers for approval and the State Council for ratification. Normally, once the instrument had been ratified its provisions must be reflected in national legislation since they concerned the rights of the population. However, sometimes that did not occur, either because the provisions were already covered by existing legislation or because they did not affect the population, but State bodies only, as in the case of reporting obligations, for which no specific legislation was required.

40. On the other hand, there were international treaties that had not been ratified, but whose provisions were incorporated in national legislation. A case in point was the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which Cuba had signed in 1988 but ratified only in 1996. Almost all aspects of the Convention had already been provided for under Cuban legislation at the time of signature. Between 1988 and 1996 Cuba had complied with its reporting obligations, but had been

reluctant to ratify the instrument since it had had some doubts concerning a number of articles. Those problems had been resolved through amendments to the Penal Code in 1994 and ratification had ensued in 1996.

41. The point made by Mr. Sherifis having been duly noted, it could be said that persons belonging to ethnic minorities enjoyed the same rights as Cuban citizens.

42. Mrs. SADIQ ALI (Country Rapporteur), supported by Mr. SHAHI, thanked the delegation for its report and most instructive explanations, which had allayed many of the Committee's misapprehensions.

43. Ms. FLOREZ PRIDA (Cuba) thanked the Committee for its cooperation and for the meticulous analysis by the Country Rapporteur of the situation in Cuba. Her Government was always ready to continue the dialogue with the Committee, to which it attached great importance.

44. The delegation of Cuba withdrew.

The meeting was suspended at 12.22 p.m. and resumed at 12.28 p.m.

CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES IN WHICH GENERAL ASSEMBLY RESOLUTION 1524 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION (agenda item 8) (continued) (CERD/C/53/Misc.29)

45. The CHAIRMAN invited the members of the Committee to consider the working paper prepared by Mr. van Boven on article 15 of the Convention (CERD/C/53/Misc.29), which could be read in conjunction with chapter IV of a study on the first 20 years of the Committee, the chapter being entitled "Role of the Committee with respect to Trust and Non-Self-Governing Territories" (document without a symbol, in English only).

46. Mr. van BOVEN, introducing his working paper, said that it dealt with largely procedural questions, and included some opinions and recommendations which related to matters of procedure. He had avoided reviewing actual situations in Trust Territories, as the Committee's discussions of those situations had been recorded in summary records, a reference to which had been included in paragraph 7.

47. The three opinions and recommendations contained in paragraph 8 were not innovative but drew attention to the absence of substantive information on Trust Territories in the light of the principles and objectives of the Convention. In paragraph 3, he wished to add the phrase "as well as in annex IV of the present report" at the end of the second sentence, for technical reasons. The references to General Assembly resolution 1514 (XV) in the heading and in paragraph 8 (c) should be corrected.

48. Mr. SHERIFIS suggested that the Committee should consider the working paper paragraph by paragraph.

49. It was so decided.

Paragraph 1

50. Mr. GARVALOV suggested that for the sake of clarity, as there were two committees referred to in the paper, the Committee on the Elimination of Racial Discrimination should after its first mention be referred to as "CERD".

51. The CHAIRMAN agreed, proposing that the full name of the Committee should be spelt out in paragraph 1 and that, after the first mention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, it should always be referred to as "the Special Committee".

52. Paragraph 1, as orally amended, was adopted.

Paragraph 2

53. Paragraph 2 was adopted.

Paragraph 3

54. Mr. GARVALOV said that, if taken out of context, the phrase in the last sentence, "after years of inactivity regarding this matter", might imply that the Committee was to blame for such inactivity which was clearly not the case.

55. Mr. SHERIFIS suggested dropping the phrase entirely.

56. Mr. SHAHI suggested replacing the phrase with "after some years".

57. The CHAIRMAN said he would take it that the Committee wished to adopt the paragraph with the amendments proposed by Mr. van Boven and Mr. Sherifis.

58. It was so decided.

Paragraphs 4-6

59. Paragraphs 4-6 were adopted.

Paragraph 7

60. Mr. SHAHI asked what the purpose of the paragraph was and whether the Committee had in fact expressed an opinion on Western Sahara.

61. Mr. de GOUTTES asked what the reference in the last sentence to "close monitoring" meant, and wondered whether the paragraph was really needed. The problems in the Territories cited in the paragraph were not equally serious. New Caledonia, for example, was not characterized by violent confrontations and should therefore be placed after East Timor and Western Sahara, if the reference was retained at all. He would prefer to delete the paragraph entirely.

62. Mr. WOLFRUM said that, as the Committee's discussion had concerned those three Territories, that should be reflected in the report. It should also be

stated that the Committee would look into further developments in the Territories. He agreed that it would be appropriate to mention East Timor in the first place, as it was the most difficult situation.

63. The CHAIRMAN, speaking as a member of the Committee, said it was incorrect to say that the Committee had paid particular attention to those Territories, as it had made no pronouncements on the matter, and accordingly proposed replacing "the Committee paid particular attention" with "members of the Committee paid particular attention". He agreed that the word "monitoring" could be changed.

64. Mr. SHERIFIS supported Mr. de Gouttes and Mr. Wolfrum.

65. Mr. BANTON proposed that the last sentence in the paragraph should read: "The Committee believes it should continue to follow developments in these Territories".

66. Mr. van BOVEN supported all the proposed amendments.

67. Paragraph 7, as orally amended, was adopted.

Paragraph 8 (a)

68. Mr. SHERIFIS expressed doubts about the phrase "secure obtaining copies".

69. Mr. RECHETOV said that, as currently drafted, the phrase "in the absence of any copies of petitions" implied that no copies existed, which made the second part of the sentence incomprehensible. There should be no reference to the Secretariat, as the Committee's relations with it were a matter of its internal procedures. Rather, the paper should state, more neutrally, that the Committee should be provided with any available copies of petitions.

70. Mr. van BOVEN suggested that the sentence might read: "In the absence of the receipt of any copies of petitions pursuant to paragraph 2 (a) of article 15 of the Convention, the reasons for such absence should again be clarified and, as the case may be, copies of such petitions should be obtained".

71. Mr. WOLFRUM said that the wording was still confusing, and the word "secure" was better than "obtain".

72. Mr. SHERIFIS said that the proposed amendment was vague. He agreed with Mr. Rechetov that there should be no reference to the Secretariat, but then wondered who would clarify the reasons for the absence of copies of petitions and who would see that the Committee received any copies.

73. Mr. BANTON referred to paragraph 172 of the study on the first 20 years of the Committee, which stated that the Committee had been "informed by the Secretary-General". Perhaps a separate paragraph could be added to a similar effect, stating that the Committee asked the Secretary-General to explain the absence of such petitions.

74. Mr. SHAHI proposed stating that the Committee should, if possible, be provided by the Secretary-General with copies of any petitions.

75. Mr. RECHETOV agreed with Mr. Shahi. The fact must be faced that any procedure for clarifying the reasons for the absence of copies of petitions must involve some investigation, and no such investigation would ever be conducted. The Committee wanted positive results from its work.

76. Mr. SHERIFIS recalled that the reason for the wording was article 15, paragraph 4, of the Convention, which also referred to the Committee making a request from the Secretary-General. By being specific, the Committee would obtain results and also comply with the provisions of the Convention. He saw no reason why the Committee should not make a request of the Secretary-General.

77. Mr. van BOVEN proposed amending the paragraph to read: "The Secretary-General should be asked to clarify the reasons for the absence of any copies of petitions and the Committee should be provided with copies of such petitions and any other relevant information".

78. The CHAIRMAN suggested that, since similar problems arose in the wording of paragraph 8 (b), Mr. van Boven should be requested to redraft the whole of paragraph 8 for consideration by the Committee at a later stage.

79. It was so decided.

The meeting rose at 1.05 p.m.